

**REMARKS**

It is respectfully brought to the Examiner's attention that a Final Office Action dated January 9, 2008 (copy attached) in Application No. 09/237,827 was sent electronically to the attorneys of record, Arent Fox LLP. A review of the Office Action indicates that it does not pertain to the instant application. A subsequent search of PAIR shows a non-final Office Action dated January 9, 2008 in the file wrapper history which does appear to relate to the instant application. Therefore, Applicants have responded to the January 9, 2008 non-final Office Action as shown in PAIR.

Claims 1-109 are pending in this Application. Claims 32-62 and 64-106 are currently withdrawn from consideration. By this Amendment, claims 1, 18, 63 and 107-109 have been amended. No new matter is added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

**I. Claims Define Patentable Subject Matter**

The Office Action dated January 9, 2008, rejects claims 1, 2, 7, 8, 10-13, 18, 19, 22-24, 26-29, and 63 under 35 U.S.C. §103(a) as being unpatentable over Hoarty et al. (U.S. Patent No. 5,093,718) in view of Kubota (U.S. Patent No. 5,506,902) and in further view of Redford et al. (U.S. Patent No. 5,624,265); rejects claim 3 under 35 U.S.C. §103(a) as being unpatentable over Hoarty in view of Kubota in view of Redford and in further view of Yee et al. (U.S. Patent No. 5,210,611); rejects claims 4, 5, 20 and 21 under 35 U.S.C. §103(a) as being unpatentable over Hoarty in view of Kubota in view of Redford and in further view of Warren (U.S. Patent No. 5,632,022); rejects claim 6 under 35 U.S.C. §103(a) as being unpatentable over Hoarty in view of Kubota in view of Redford and in further view of Poignet (U.S. Patent No. 4,361,848); rejects claims 9, 14-17, 25, 30 and 31 under 35 U.S.C. §103(a) as being unpatentable over Hoarty in view of Kubota in view of Redford and in further view of Borsuk (U.S. Patent No. 5,475,399). It is noted that claims 1, 18, 63 and 107-

109 have been amended. To the extent the rejections remain applicable to the claims currently pending, the Applicants respectfully traverse these rejections as follows.

Specifically, the Applicants submit that Hoarty, Kubota, Redford, Yee, Warren, Poignet, and Borsuk, either individually or in combination, fail to disclose or suggest a system for transmitting and receiving text, and displaying an indication of the text, wherein the text is transmitted in an electronic signal, the system including at least the combination of an electronic collection of electronic books, means for associating subscriber-created data with individual electronic books located in the collection of electronic books; a means for storing the subscriber-created data with individual electronic books located in the collection of electronic books; a menu generator that determines whether to generate a menu of the books located in the collection based on at least one of a menu based on a subscriber entered selection and a default menu; and a display, connected to the connector, that displays a particular library menu of books relating to the determination of the menu generator, and displays the subscriber-created data associated with each of the books included in the particular library menu, as recited in claim 1.

In addition, the Applicants submit that Hoarty, Kubota, Redford, Yee, Warren, Poignet, and Borsuk, either individually or in combination, fail to disclose or suggest a system for transmitting and receiving text, and displaying an indication of the text, wherein the text is transmitted in an electronic signal, the system including at least the combination of an electronic collection of electronic books, a menu generator that determines whether to generate a menu of the books located in the collection according to a subscriber-entered criteria or a subscriber-created criteria; a repository that stores the subscriber-entered criteria or the subscriber-created criteria; and a display, connected to the connector, that displays a particular library menu relating to the determination of the menu generator.

For at least the above reasons, the Applicants submit that claims 1 and 107 are allowable over the cited references. For similar reasons, the Applicants submit that claims 18, 63 and 108-109 are also allowable. As claims 1 and 18 are allowable, the Applicants submit that claims 2-17 and 19-31, which depend from allowable claims 1 and 18, respectively, are likewise allowable over the cited references.

**II. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-109 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number set forth below.

In the event this paper is not considered to be timely filed, the Applicant hereby petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, referencing Attorney Dkt. No. 026880-00013.

Respectfully submitted,



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